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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1374 OF 2007

Messrs Maharashtra Seamless Limited ... Petitioners

Vs.

Union of India & Ors. ... Respondents

Ms. E.A. Gonsalves for the Petitioners.

Mr. A.N. Samant for Respondent Nos.1 and 3.

CORAM : SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.

DATED : JULY 06, 2007.

P.C.:-

1. The learned counsel appearing for the Petitioners, without prejudice to their rights and contentions, submits that the demand raised by the Respondents to the extent of Rs.62 lacs can be re-examined by three member team to be constituted by the General Manager, Central Railway. They would also hear the Petitioners and, thereafter, appropriate orders will be passed in accordance with law and the Petitioners should be directed then to pay that

amount. The learned counsel appearing for the Respondents, however, make a submission without prejudice to the rights of the Railways, to make a claim in the Railway Tribunal under the Provisions of the Railway Tribunals Act. The learned counsel appearing for the Petitioners says that the offer made is acceptable to them provided for a period of two weeks, they take no coercive steps to recover the amount and the Petitioners thereafter would abide by the decision given by the Tribunal or the Committee constituted by the General Manager subject to their rights available to them in law.

2. In view of the joint submissions made by the learned counsel appearing for the parties, we dispose of the Writ Petition with a direction to the Respondents to constitute a three member committee to be appointed by the General Manager within one week from today i.e. on or before 13/7/2007, who shall hear the Petitioners and pass appropriate order in relation to the contention regarding Rs.62 lacs, raised in the present Petition. The Respondents shall not take any coercive steps for a period of three

weeks from today i.e. till 27/7/2007. The Petitioners shall appear before the committee as intimated by the learned counsel for the Respondents. The Petition is disposed of while leaving the parties to bear their respective costs.

[CHIEF JUSTICE]

[SMT. RANJANA DESAI, J.]